IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3700 OF 1993.

Mahanagar Telephone Nigam Ltd.
Bombay, the Governemnt of India
Enterprises, having their office
at Telephone House, V.S.Marg,
Bombay 400 028, through their
zonal being office of the General
Manager South, Telephone Bhavan,
Colaba, Bombay 400 005. ... Plaintiff.

Versus.

M/s.Banhen Financial & Investment
Consultant Pvt.Ltd. having their
office at 101, Veena Chambers,
21, Dalal Street, Fort, Mumbai
400 023. ... Defendant.

Ms.Jyoti Thakkar for the Plaintiff.

None for the Defendant.

CORAM : ABHAY S.OKA, J.

DATED : 16th July, 2007.

ORAL JUDGMENT.:

1. Heard the learned Counsel appearing for the Plaintiff. The suit is filed for recovery of unpaid telephone bills. The Plaintiff has tendered on record an affidavit of evidence of Shri C.S.Mahajan, Chief Accounts Officer (TP) South of the Plaintiff. The said affidavit is taken on record and marked "X" for identification. The Plaintiff has also filed on record a compilation of original bills on the basis of which the suit is filed. The compilation is taken on record and marked "Y" for identification. The claim in the

suit is proved by the affidavit of Shri Mahajan.

2. The Plaintiff has claimed interest at the rate of 18% per annum. As there is no stipulation in the bills regarding payment of interest, the interest payable on the suit claim will be at the rate of 6% per annum.

3. Hence there will be a decree in terms of prayer clauses (a) to (c) with a modification that interest at the rate of 6% per annum shall be payable on the principal amount from the date of filing of the suit till realisation of the amount. The Plaintiff will be entitled to the refund of Court fees, if any, as per the Rules.

4. Certified copy is expedited.

Judge.